

**Minutes of Meeting  
Grafton Planning Board  
February 25, 2013**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on March 25, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, Sargon Hanna and Associate Member Edward Prisby. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m. and welcomed Mr. Prisby as the new Associate Member to the Planning Board.

**ACTION ITEM 1-A – PUBLIC MEETING – PROJECT PLAN REVIEW – AVIAN REHABILITATION CAGE – TUFTS CUMMINGS SCHOOL OF VETERINARY MEDICINE**

Present for the meeting were Joseph Chilton, Director of Facilities; Jean Poteete, Senior Campus Planner; Skip Bigelow, Assistant Facilities Director and Attorney Robert Sudmeyer representing Tufts.

Mr. Chilton reviewed for the Board the previous Planning Board presentation of the flight cage, specifically designed to rehab eagles and other large birds, and noting the plan is identical to the existing flight cage on the Tufts campus. Mr. Chilton added that the cage is designed to meet existing Federal regulations for eagle rehabilitation. Ms. Poteete demonstrated the location of the proposed project on the submitted plan and offered to answer any additional questions from the Board.

Mr. Bishop pointed out that there were only two minor issues raised by Graves Engineering after their review of the project, and both had been acknowledged and revised on the plans. Chairman Qualey noted the Fire Department comments stated they had no issue with the project.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to determine that the materials submitted for the Avian Rehabilitation Cage project meet the requirements set forth for a Project Plan Review. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-B – CONSIDER DECISION – SPECIAL PERMIT (SP 2012-15) JAMES MORO – 124 MAIN STREET, SOUTH GRAFTON – CONVERT EXISTING HOME INTO TWO-FAMILY**

The Board noted corrections that needed to be made to the draft decision. Mr. Hassinger noted it was the Board's past practice to state a reason as to why they were granting a specific waiver request to an applicant and suggested that the granting of the waiver request in this decision be documented to show the rationale of the Board.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to make favorable Findings to F-1 through F-27 as amended tonight and with prior comments. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Robbins, to grant Waivers W-1 & W-2 as drafted with the changes as discussed. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hanna, to grant Special Permit (SP 2012-15) with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-C – CONSIDER DECISION – MODIFICATION OF SPECIAL PERMIT (SP 1993-10) MICHAEL & BRIAN MARINO, TRUSTEES OF FIRST WESTBOROUGH REALTY TRUST (D/B/A DUNKIN' DONUTS) – 72 WORCESTER STREET**

Mr. Hassinger stated that it was unclear to him of the intent of Finding F-13 with regard to the footage of the queuing capacity for the new two lane drive through. Ms. Morgan noted that she had taken the footage amounts directly from the narrative submitted by the applicant. After discussion, the Board noted the Finding should state the old and the new vehicle capacities for clarification of the changes. The Board pointed out various minor corrections to be made within the draft decision. Mr. Hassinger added that the applicant will need to come back before the Board regarding approval of sign relief. Mr. Bishop remarked that any directional signage will be acceptable under the special permit.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 through F-37 with the corrections and amendments noted. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Scully, to grant the Modification of Special Permit (SP 1993-10) with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**PUBLIC HEARING**

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “PETERS ESTATES” SUBDIVISION – ETRE BUILDERS, INC. (APPLICANT/OWNER)**

Present for the hearing was Ronald Etre who informed the Board he was requesting an extension to the construction deadline for the “Peters Estates” subdivision.

Chairman Qualey noted there were comments from the Conservation Commission stating that the deed for the open space and proposed easement over Lot 7 is currently under review. Mr. Etre added that he has complied with the Conservation Commission’s request for designating the open space with a sign on a granite post. Mr. Etre pointed out that he was finishing up the final details for submission of a Determination of Completeness for the subdivision.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to close the public hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to direct Staff to grant the applicant's written request to extend the construction deadline for "Peters Estates" Subdivision for one year. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-D – CONSIDER DECISION – SPECIAL PERMIT (SP 2012-13) GARY CUNNINGHAM / SUNSHINE SIGN CO., INC. – MICHAEL AWDE / GRAFTON AUTO SERVICE – 101 WORCESTER STREET – ZBL SECT. 4.4.4.2 SIGN RELIEF**

Mr. Bishop informed the Board that he had received documentation of the Fleming's sign from the Building Inspector and copies had been placed in their mailboxes.

Mr. Hassinger noted that the picture appeared to show the original sign was overlaid with the Grafton Auto Service sign, all of which was important information that was not documented in the file. Mr. Hassinger suggested that the draft decision should have alluded to the point that if the old sign had not been taken down, they could have been allowed to have the Exhibit A sign and not require permitting from the ZBA or the Planning Board.

The Board noted several corrections and discussed amending some of the Findings, specifically F-8 to include the rationale for the sign relief and F-10 to show computations for both signs and the applicant's preferred alternative. Mr. Hassinger also disagreed with the applicant's argument of the north & south proposed locations, and wished to note that the applicant could have closed up some of the driveway cuts to accommodate the location of the sign to better comply with the required setbacks and sight line, but the Planning Board never got the opportunity to explore that option. Mr. Hassinger noted further that the applicant did not provide documentation which would have allowed the opportunity to discuss the option. Mr. Robbins pointed out that this is a case where had the applicant not taken the original sign down and replaced with a new sign, there would have been no need to come before the Board. Mr. Hassinger added that the Board will need to have specific findings about this case so everyone who loses grandfathering of their sign will not necessarily be eligible to come to the Board seeking this sign relief. The Board disagreed on what should be required for the island beneath the sign. Mr. Hassinger pointed out there should be a Finding about the applicant stating he will have an island beneath the sign but that there was no documentation by the applicant during the public hearing. Mr. Bishop stated that the plan submitted shows the existing layout. Mr. Hanna commented that he did not understand the persistence for the island specifics. The Board agreed that the applicant be required to prevent any vehicles from driving under the sign. Mr. Hassinger stated that he preferred the berm and curb as wide as the depth of the island. The Board discussed further what should constitute the island for the sign.

Mr. Bishop proposed the draft decision be rewritten and brought before the Board for consideration at the next Planning Board meeting.

Chairman Qualey received unanimous consent to consider the decision at the next Planning Board meeting.

**MINUTES OF PREVIOUS MEETINGS**

There were no minutes submitted for approval.

## **CORRESPONDENCE**

Chairman Qualey read a legal notice from the Northbridge Planning Board concerning a public hearing to discuss a proposed Medical Marijuana Treatment Center and a memo concerning a Community Forum with the WRTA to discuss bus services in the Grafton area.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Hassinger, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:30 p.m.

## **EXHIBITS**

- **Action Item 1A: Project Plan Review – Avian Rehabilitation Cage – Tufts University / Cummings School of Veterinary Medicine, 200 Westboro Road, North Grafton, MA**
  - Correspondence from Graves Engineering, Tufts University Avian Rehabilitation Cage Site Plan Review, dated February 21, 2013, received February 22, 2013, 2 pages.
  - Correspondence from the Grafton Fire Department, Tuft's Avian Rehabilitation Cage, 200 Westboro Road, North Grafton, dated and received February 21, 2012, 1 page.
  - Copy of email correspondence from Outback Engineering to Graves Engineering, Tufts Avian Rehab Cage SH2 – rev 02-14-13.PDF, dated and received February 21, 2013, 2 pages.
- **Action Item 1B: Consider Decision – Special Permit (SP 2012-15) – James Moro – 124 Main Street, South Grafton – Convert existing structure into a Two-Family structure**
  - Draft Decision, Grafton Planning Board, Special Permit (SP 2012-15) and Site Plan Approval, draft dated February 22, 2013, 8 pages.
  - Zoning Determination, 124 Main Street, South Grafton, prepared and submitted by the Town of Grafton Building Inspector, dated and received February 19, 2013; 2 pages.
- **Action Item 1C: Consider Decision – Modification of Special Permit (SP 1993-10) Michael & Brian Marion, Trustee of First Westborough Realty Trust (d/b/a Dunkin' Donuts) – 72 Worcester Street, North Grafton, MA**
  - Draft Decision, Grafton Planning Board, Modification of Special Permit (SP 1993-10) and Site Plan Approval, draft dated February 22, 2013, 12 pages.
- **Action Item 1D: Consider Decision – Special Permit (SP 2012-13) – Gary Cunningham / Sunshine Sign Company, Inc. (Applicant) and Michael Awde / Grafton Auto Service (Owner), 101 Worcester Street, North Grafton; sign relief**
  - Draft Decision, Grafton Planning Board, Special Permit (SP 2012-13) and Site Plan Approval, draft dated January 23, 2013, 9 pages.

- Drawing and photograph prepared by Sunshine Sign, Grafton Auto Service, 8 ½ x 11” color, revised through September 16, 2012; submitted to the Inspector of Building, Town of Grafton on November 4, 2010; received February 12, 2013, 1 page.
- **9A - Public Hearing, Modification of Definitive Plan Approval, “Peters Estates” Subdivision, Etre Buildings, Inc. (applicant / owner)**
  - Application for Approval of a Modified Definitive Plan, dated January 13, 2013, received January 29, 2013, 2 pages.
  - Correspondence from Etre Builders Inc., project update, dated January 28k, 2013, received January 29, 2013, 1 page.
  - Return memorandum, departmental project review comments, Conservation Commission, received February 15, 2013; 2 pages.



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Michael Scully, Clerk